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09/777,048	02/05/2001	Masamine Maeda	B208-1122	8686

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EXAMINER

SELBY, GEVELL V

ART UNIT PAPER NUMBER

2615

DATE MAILED: 02/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/777,048

**Applicant(s)**

MAEDA, MASAMINE

**Examiner**

Gevell Selby

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 February 2001 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |  |
|---|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____  |

**DETAILED ACTION**

***Response to Arguments***

1. Applicant's arguments with respect to claims 1-24 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. **Claims 7-9, 11, 12, 18-20, 22, and 24 are rejected under 35 U.S.C. 102(e) as being anticipated by Anderson, US 6,563, 535.**

In regard to claims 7, 18, and 24, Anderson, US 6,563, 535, discloses an image pickup apparatus, method and program for operating the apparatus comprising the following components that perform the method in the program:

an image pickup circuit (see figure 1, element 104) which photoelectrically converts, into pixel signals, a light image formed through a lens (see column 4, lines 17-19); and

a controller (see figure 1, element 110) which performs control in such a way as to change, according to an object an image of which is to be picked up, a

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method of reducing the pixel signals obtained by said image pickup circuit (see column 14, lines 48-67);

wherein a depth of field changes when the method of reducing the pixel signals changes (see column 14, lines 48-67: When in one of the resize cases, it is inherent the depth of changes depending on whether the camera is in landscape or portrait, since landscape has a deeper depth of field).

In regard to claims 8 and 19, Anderson, US 6,563, 535, discloses an image pickup apparatus and method according to claims 7 and 18 respectively, wherein said lens is a zoom lens (see column 11, lines 62-67), and said controller controls said zoom lens according to the method of reducing the pixel signals (see column 11, line 62 to column 12, line 32).

In regard to claims 9 and 20, Anderson, US 6,563, 535, discloses an image pickup apparatus and method according to claims 7 and 18 respectively, wherein a photo-taking angle of view is compensated even when the method of reducing the pixel signals is changed (see column 11, line 62 to column 12, line 32: The angle of view is compensated by zooming).

In regard to claims 10 and 21, Anderson, US 6,563, 535, discloses an image pickup apparatus and method according to claims 7 and 18 respectively, wherein the method of reducing the pixel signals includes at least a first mode (Full Output) in which the pixel signals obtained by said image pickup circuit are reduced by extracting pixel signals of a predetermined continuous area from the pixel signals obtained by said image pickup circuit and a second mode (Half or Quarter Output) a mode in which the pixel

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signals obtained by said image pickup circuit are reduced by thinning out the pixel signals obtained by said image pickup circuit according to a predetermined rule (see column 10, lines 1-27).

In regard to claim 12, Anderson, US 6,563, 535, discloses an image processing system (see figure 1, element 100) having a plurality of apparatuses communicatively interconnected (see figure 1, elements 102-106), wherein at least one of said plurality of apparatuses has a function of an image pickup apparatus (see figure 1, element 104) according to claim 7.

**4. Claims 1-4, 6, 13-16, and 23 are rejected under 35 U.S.C. 102(e) as being anticipated by Terada et al., US 6,124,888.**

In regard to claims 1, 13, and 23, Terada et al., US 6,124,888, discloses an image pickup apparatus, method, and program for operating the apparatus, comprising the following components that perform the method in the program:

an image pickup circuit (see figure 7, element 103) which photoelectrically converts, into pixel signals, a light image formed through a lens (see figure 7, element 101 and column 11, lines 7-11); and  
a setting controller (see figure 7, elements 107 and 108) which sets an image pickup mode selected from among a plurality of image pickup modes (see column 11, line 59 to column 12, line 10), said plurality of image pickup modes including at least a first mode (Block mode) in which the pixel signals obtained by said image pickup circuit are reduced by extracting pixel signals of a predetermined continuous area from the pixel signals obtained by said image pickup circuit and a second mode (Skip mode) in which

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the pixel signals obtained by said image pickup circuit are reduced by thinning out the pixel signals obtained in a different tack from said first mode (see figure 15 and column 11, lines 16-29).

In regard to claims 2 and 14, Terada et al., US 6,124,888, discloses an image pickup apparatus and method according to claims 1 and 13 respectively, wherein the image pickup mode to be set for picking up a moving image differs from the image pickup mode to be set for picking up a still image (see column 11, lines 23-28 and 40-45) ) and said plurality of image pickup modes includes a third mode (full mode) in which the pixel signals obtained by said image pickup circuit are not reduced more than in the first and second modes (see column 11, lines 16-28).

In regard to claims 3 and 15, Terada et al., US 6,124,888, discloses an image pickup apparatus and method according to claims 2 and 13 respectively, wherein said third mode is set for picking up a still image (see column 11, lines 25-29).

In regard to claims 4 and 16, Terada et al., US 6,124,888, discloses an image pickup apparatus and method according to claims 1 and 13 respectively, wherein the image pickup mode is set according to an object an image of which is to be picked up (see column 11, lines 25-29: The block or skip mode or used to capture moving images of objects and full mode is select for still images of objects).

In regard to claims 6, Terada et al., US 6,124,888, discloses an image processing system (see figure 7) having a plurality of apparatuses communicatively interconnected (see figure 7, elements 102-110), wherein at least one of said plurality of apparatuses has a function of an image pickup apparatus (see figure 7, element 103) according to claim 1.

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 11, 20 and 22 rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson, US 6,563, 535 in view of Ide et al., US 6,785,469.**

In regard to claims 11 and 22, Anderson, US 6,563, 535, discloses an image pickup apparatus and method according to claims 7 and 18 respectively. The Anderson reference does not disclose wherein said controller changes the method of reducing the pixel signals on the basis of evaluation values obtained from at least two distance measuring points.

Ide et al., US 6,785,469, discloses a distance measuring device which takes a distance measurement from a plurality of points (see column 3, lines 9-12 and 21-25). The distance measuring device allows for the detection of the main object in order to perform autofocus (see abstract).

It would have been obvious to one of ordinary skill in the art at the time of invention to have been motivated to modify Anderson, US 6,563, 535 in view of Ide et al., US 6,785,469 to have a distance measuring device to determine the main object and the controller can the mode depending of then location of the points of the object.

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6. **Claims 5 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Terada et al., US 6,124,888, in view of Ide et al. US 6,785,469.**

In regard to claims 5 and 17, Terada et al., US 6,124,888, discloses an image pickup apparatus and method according to claims 1 and 13 respectively. The Terada reference does not disclose wherein said setting controller sets the image pickup mode on the basis of evaluation values obtained from at least two distance measuring points.

Ide et al., US 6,785,469, discloses a distance measuring device which takes a distance measurement from a plurality of points (see column 3, lines 9-12 and 21-25). The distance measuring device allows for the detection of the main object in order to perform autofocus (see abstract).

It would have been obvious to one of ordinary skill in the art at the time of invention to have been motivated to modify Terada et al., US 6,124,888, in view of Ide et al. US 6,785,469, to have a distance measuring device to determine the main object and the controller can the mode depending of then location of the points of the of the object.

### ***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after



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the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gevell Selby whose telephone number is 703-305-8623. The examiner can normally be reached on 8:00 A.M. - 5:30 PM (every other Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's acting supervisor, Thai Tran can be reached on 703-305-4725. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

gvs

  
TUAN HO  
PRIMARY EXAMINER